HON'BLE SRI JUSTICE D.S.R.VARMA
AND
HON'BLE SRI JUSTICE P.SWAROOP REDDY

TAKEN UP WRIT PETITION NO. 27164 OF 2005

Between:

Thota Venkateswarlu S/o Kondaiah, Gajulavenkatapuram, Homlet of Raju Palem, Komarole Mandal, Prakasam District.

…Petitioner

AND

1.The Station House Officer, Raju Palem Komarole Mandal, Prakasham District and four another.

….Respondents

THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE P.SWAROOP REDDY

TAKEN UP WRIT PETITION NO.27164 OF 2005

ORAL ORDER: (per the Hon'ble Sri Justice D.S.R.Varma)

Heard the learned Government Pleader for Home, representing the learned Advocate General, appearing for the respondents.

2. This writ petition is taken up on the basis of a 'telegram', dated 16.12.2005, sent by the petitioner by name Thota Venkateswarlu, S/o. Kondaiah, Gajulavenkatapuram, Hamlet of Rajupalem, Komarole Mandal, Prakasam District, alleging that one Thota Tirumalaiah, S/o. Moodava Kondaiah, was kidnapped by one Thota Chinna Thirumalaiah, S/o. Pedda Kondaiah and Thota Venkata Murali Mohan Rao, S/o. Tirumalaiah, on 26.06.2005, and the police had not taken any action in tracing out the kidnapped person, even after a lapse of six months and he has been apprehending danger to the life of the said kidnapped person by name Thota Tirumalaiah.

3. On notice being issued by this Court, the Sub-Inspector of Police, Giddalur Police Station, Prakasam District, filed a counter-affidavit stating, *inter alia*, that upon a complaint, a case in Crime No.167 of 2005 under the head 'Man Missing' was registered on 23.12.2005 and that, on 24.06.2006, when the wife of the alleged kidnapped person, by name Thota Venkata Subbamma, and her son by name Thota Venkata Murali Mohan were produced before the Judicial Magistrate of First Class, Giddalur, for recording their statements, the fact of sending telegram, dated 16.12.2005, to the High Court, was denied by them.

4. In response to the notice issued by this Court, the said Thota Venkata Murali Mohan, who is none other than the son of

alleged kidnapped person, was present before this Court along with his mother by name Thota Venkata Subbamma and stated that his father being a devotee of 'Ramakrishna Mutt' has been in the habit of visiting various holy places from time to time and used to come back home after a considerable time. He further stated that he had absolutely no reason to kidnap his own father and same is the statement made by his mother.

5. In view of the averments made in the counter-affidavit and also in view of the statement made by Thota Venkata Murali Mohan, who is none other than the son of alleged kidnapped person, we see no reason to continue the present writ petition any longer.

6. Accordingly, the writ petition is closed, at the stage of admission. However, there shall be no order as to costs.

JUSTICE D.S.R.VARMA

JUSTICE P.SWAROOP REDDY

28TH SELPTEMBER 2006

KA/KRK